

ORIGINAL

UNITED STATES DISTRICT COURT

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

for the

DISTRICT OF HAWAII

APR 15 2008
at 10:40 a.m.
SUE BEITIA, CLERK

United States of America

v.

Arieta Yamaguchi

Date of Previous Judgment: 05/23/2005
(Use Date of Last Amended Judgment if Applicable)

)
) Case No: 1:02CR00552-002
) USM No: 89145-022
) Arieta Yamaguchi, pro se;
) Jeffrey Arakaki, stand by counsel
) Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☐ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 180 months **is reduced to** 144 months.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level:	<u>38</u>	Amended Offense Level:	<u>36</u>
Criminal History Category:	<u>I</u>	Criminal History Category:	<u>I</u>
Previous Guideline Range:	<u>235-293</u> months	Amended Guideline Range:	<u>188-235</u> months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☒ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ Other (explain):

III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated May 23, 2005 shall remain in effect.

IT IS SO ORDERED.

Order Date:

April 10, 2008

Thomas S Zilly
Judge's signature

Effective Date:

(if different from order date)

The Honorable Thomas S. Zilly
United States District Judge